

GOVERNMENT OF ANDHRA PRADESH
ABSTARCT

Public Savants – Andhra Pradesh Revenue department – Allegation of corruption against Sri T.Shivalingam, Senior Assistant. O/o ACTO., Charminar Circle, Hyderabad – Trapped on 6.10.2009 – Sanction of Prosecution under Prevention of Corruption Act, 1988- Orders –issued.

REVENUE (VIG.I) DEPARTMENT

G.O.Rt/ Ms.No:

Dated. .10.2010.

ORDER:

1. Whereas Sri T.Shivalingam, Senior Asst. worked at the O/o CTO., Charminar Circle, Hyderabad from 12.8.2009 to 6.10.2009 and as such by virtue of the post held by him, he falls under the category of “Public Servant” as defined under clause (c) of section 2 of the Prevention of Corruption Act, 1988, (Central Act 49 of 1988);

2. And whereas, Aqeel Shareef S/o Yousuf Shareef, age 35 years, Occ: Business R/o 18-2-789 G.M.Chowni, Falakunama, Hyderabad came to the office of the Dy.Suptd of Police, Anti Corruption Bureau, City Range-1, Hyderabad and gave a English written complaint stating that, he applied for VAT Registration certificate at Commercial Tax Office, Charminar Circle to start business in the name and style of ‘ A.S. Enterprises and Contractors’ at his house;

3. And whereas, it is alleged that on 19.09.2009, Sri Arjun Kumar, ACTO and Sri Shiva Lingam, Sr. Assistant visited his house for verification of his application. On the same day, Sri Arjun Kumar, ACTO, demanded bribe amount of Rs.4,000/- for processing his application and issuing the certificate after obtaining the signature of the concerned Commercial Tax Officer. Sri Arjun Kumar said that he would reject his application if, he would not pay the bribe amount. Sri Arjun

Kumar asked to bring no objection certificate from his father and handed over him a proforma by drafting with his own hand writing stating that his father was not taking any rent from him in the name of 'A.S. Enterprises and Contractors'. On 22.9.2009, he went to ACTO's room and submitted no objection certificate, by that time, Sri Shiva lingam, Sr.Asst., reminded their earlier demand of bribe amount of Rs.4,000/- and he said that after paying of bribe amount only they would process the file otherwise they would not process the file. Then he requested Sri Shiva Lingam to reduce the bribe amount and after some time he left the office. Again on 01.10.2009, he went to ACTs office and met Sri Arjun Kumar, ACTO and requested to issue VAT Registration certificate. On that the ACTO Sri Arjun Kumar again asked for bribe of Rs.4,000/-. On that he requested him to reduce bribe amount as he could not pay such a huge amount. Then the ACTO Sri Arjun Kumar instructed to the complainant to meet Sri Shiva Lingam, Sr.Asst. Accordingly he met Sri Shiva lingam who again demanded bribe amount of Rs.4,000/-. When he requested Sri Shiva Lingam to reduce the bribe amount, Sri Shiva Lingam contacted the ACTO Sri Arjun Kumar and reduced the bribe amount from Rs, 4000/- to Rs. 3,000/-. Sri Shiva Lingam told him that the certificate would be issued after payment of bribe amount only. Again on 03.10.2009, he met Sri Arjun Kumar, ACTO, in his room and informed that Sri Shiva lingam was asking Rs. 3000/-finally. Sri Arjun Kumar, ACTO, told him to do as said by Sri Shivalingam. Hence the complainant lodged the complaint for taking action against the above ACTO as per the law;

4 And whereas; The DSP, ACB City Range-I, Hyderabad, who received the above complaint, made an endorsement at 17.00 hours on 3.10.2009, caused confidential enquiries with regard to the genuineness of the complaint and reputation of the accused officers and a case in Cr.No.22/ACB -CR-I/2009 under section 7 of the

Prevention of Corruption Act, 1988 was registered on 6.10.2009 at 1000 hours after obtaining permission from the competent authority and duly observing all formalities;

5. And whereas, Sri T.Shivalingam, Senior Asst., O/o CTO., Charminar Circle, Hyderabad and his ACTO Sri T.M. Arjun Kumar together demanded an amount of Rs. 4000/- as bribe from the complainant to issue VAT registration certificate after getting the signature of the concerned CTO to start his business and subsequently the senior assistant reduced the bribe amount to Rs. 3000/- after due consultation with the ACTO and in furtherance thereof, on 6.10.2009 the ACTO accepted the bribe of Rs. 3000/- from the complainant as illegal gratification other than legal remuneration from the complainant and the ACTO T.M.Arjun Kumar was caught red- handed by the ACB officials and the subsequent phenolphthalein tests conducted on him yielded positive results;

6 And whereas, the said acts of Sri T.Shivalingam, Senior Asst., O/o CTO., Charminar Circle, Hyderabad constitutes an offence punishable under Section 7 of the Prevention of Corruption Act, 1988 and Sec 34 of the Indian Penal Code, 1860;

7 And whereas, the Government of Andhra Pradesh, being the competent authority to remove, Sri T.Shivalingam, Senior Assistant, O/o CTO., Charminar Circle, Hyderabad from service after fully and carefully examining the material placed before them i.e. copy of FIR, Mediators Report-I and II and final investigation report in respect of the said allegation, and having regard to facts and circumstances of the case, consider that, the said Sri T.Shivalingam, Senior Asst., O/o CTO., Charminar Circle, Hyderabad shall be prosecuted in a Court of law for the aforesaid offences;

8 Now, therefore in exercise of the powers conferred under by clause (b) of sub section (1) of Section 19 of the Prevention of Corruption Act, 1988 (Central Act 49 of 1988) and section 197 of the Code of Criminal Procedure, 1908, the Government of Andhra Pradesh, hereby accord sanction for prosecution of Sri T.Shivalingam, Senior Asst., O/o CTO, Charminar Circle, Hyderabad for the offences punishable under Section 7 of the Prevention of Corruption Act, 1988 and section 34 of the Indian Penal Code, 1860 respectively and for any other cognate offences punishable under any other provisions of law for the time being in force in respect of the above said acts and also for taking cognizance of the said offence by the court of competent jurisdiction.

To
The Director General,
Anti Corruption Bureau,
A.P.Hyderabad.

Copy to
The Law (E) Department

